

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

UNITED STATES OF AMERICA

v.

Case No.: 3:20-cr-00170

STEVEN ANTHONY MCGEE

MEMORANDUM OPINION AND ORDER
SEALING RESPONSE

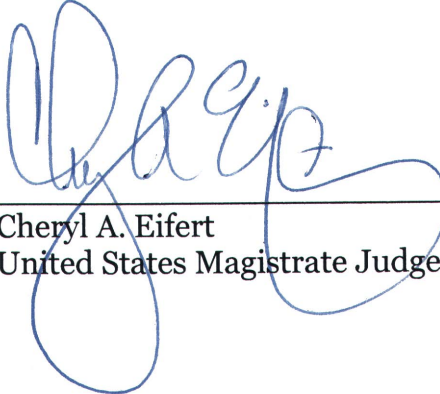
Pending before the Court is Motion of the United States to Seal Response requesting the attached response to Defendant's Motion for Pretrial Release be sealed. (ECF No. 26). The Court notes that the response contains confidential information. Due to the confidential nature of the information contained in the response, and the requirement that such information not be published, this Court **ORDERS** the Clerk to file the response by the United States to Defendant's motion for pretrial release as sealed. (ECF No . 26-1).

The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three-step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, the response shall be sealed and will

be designated as sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing the document, but in view of the nature of the information set forth in the document—which is information generally protected from public release—alternatives to wholesale sealing are not feasible at this time. Accordingly, the Court finds that sealing the response does not unduly prejudice the public's right to access court documents.

The Clerk is instructed to provide a copy of this Order to the defendant, counsel of record, and the Probation Department.

ENTERED: January 4, 2021



Cheryl A. Eifert
United States Magistrate Judge